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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

**EXXON MOBIL CORPORATION,
Petitioner/Plaintiff.**

V

SANTA BARBARA COUNTY BOARD OF SUPERVISORS

Respondent/Defendant.

and

ENVIRONMENTAL DEFENSE
CENTER, GET OIL OUT!,
SANTA BARBARA COUNTY
ACTION NETWORK, SIERRA
CLUB, SURFRIDER FOUNDATION,
CENTER FOR BIOLOGICAL
DIVERSITY, and WISHTOYO
FOUNDATION

Proposed Defendant/Intervenors.

Case No. 2:22-cv-03225-DMG (MRWx)

**DECLARATION OF MATI WAIYA
IN SUPPORT OF MOTION TO
INTERVENE**

Hon. Dolly Gee

Hearing: October 21, 2022

Time: 9:30 a.m.

Place: Courtroom 8C,
350 West 1st Street, Los Angeles

1 I, Mati Waiya, declare as follows:

2 1. I have personal knowledge of the following, and I could and would
3 competently testify to these matters if called as a witness. As to those matters that
4 reflect a personal opinion, they reflect my personal opinion and judgment upon the
5 matter.

6 2. I am a Chumash Elder, an enrolled member of the Coastal Band of the
7 Chumash Nation and Founder of the Wishtoyo Foundation (“Wishtoyo”). I
8 founded Wishtoyo in 1997 to preserve and protect Chumash culture, the culture of
9 first nations peoples; to protect natural cultural resources essential to Chumash
10 lifeways and all people; and to educate and instill in youth environmental values,
11 awareness, and stewardship. Since founding Wishtoyo, I have served as the
12 Executive Director. I also founded Wishtoyo’s Ventura Coastkeeper program and
13 hold the title of “Ventura Coastkeeper” and Ventura Coastkeeper Executive
14 Director. My responsibilities include directing the activities and operations of
15 Wishtoyo and Ventura Coastkeeper.

16 3. Wishtoyo is a nonprofit corporation organized under the laws of
17 California with over 700 members. The headquarters and primary meeting places
18 for Wishtoyo are at the Wishtoyo Chumash Village located at 33904 Pacific Coast
19 Highway, Malibu, CA 90265 and at the Wishtoyo Conservancy located at 16799 S
20 Mountain Rd, Santa Paula, CA 93060.

21 4. Wishtoyo is place, organization, and movement inspiring people to
22 live in harmony with our Earth again. Wishtoyo serves as a “rainbow bridge”
23 linking Chumash and indigenous lifeways with the protection of natural and
24 cultural resources, utilizing traditional ecological knowledge to provide
25 environmental and cultural preservation and justice, education, research, and
26 advocacy.

1 5. As stated in Wishtoyo's bylaws, members "are persons who share the
2 environmental and cultural goals and ideals of Wishtoyo ... and who are
3 represented by Wishtoyo in furthering those environmental and cultural goals."
4 Membership in Wishtoyo is established by making monetary donations, assisting
5 on a voluntary basis with various Wishtoyo programs, providing services for
6 Wishtoyo's events, or attending Wishtoyo's events or functions.

7 6. Wishtoyo has a longstanding record of protecting and restoring the
8 coastal watersheds of Chumash homelands, the Santa Barbara Channel, and the
9 Pacific Ocean. Since its inception, Wishtoyo has brought over 13 federal Clean
10 Water Act cases in Los Angeles, Ventura, and Santa Barbara counties to protect
11 rivers and oceans, wildlife, and cultural resources from pollutants. Wishtoyo has
12 advocated state and federal forums for adequate protocols and protections to
13 prevent future oil spills along the Gaviota Coast, Santa Barbara Channel, and in
14 California's inland and coastal waters from oil pipelines. Wishtoyo worked with
15 the Northern Chumash Tribal Council to advocate for the Chumash Heritage
16 National Marine Sanctuary in order to further protect marine environments off the
17 coast of California and improve connectivity of protected marine habitats.
18 Wishtoyo also ran the Chumash Tribal Marine Protected Area Ocean Conservation
19 education program to teach social, cultural, and ecological importance of a healthy
20 ocean environment to K-12 school children.

21 7. The natural cultural resources of the Santa Barbara Channel and the
22 inland and coastal waterbodies of Santa Barbara County (and project area) are an
23 integral part of Chumash lifeways and culture. Chumash cultural and ceremonial
24 practices rely on the presence of abundant native wildlife. Harm to, or the death of
25 cultural keystone species are particularly egregious because of the close, and in
26 some case familial, ties to these keystone species. As seen during the 2015 Plains
27 All American Pipeline oil spill, in which more than 123,000 gallons of crude oil

1 spilled onto the coast near Refugio State Beach and an estimated 20,000 gallons of
2 oil spilled into the ocean from an old, ruptured pipeline, oil spills devastate the
3 ocean and coastline, and can kill marine life. The oil spill also impacted Chumash
4 people from gathering at ocean and coastal gathering sites and long-tended
5 locations. The trucking of oil to substitute the shipment of oil through a pipeline is
6 far more dangerous and leaves the project area and sensitive ecosystems and
7 wildlife vulnerable to oil spills.

8. ExxonMobil seeks to transport oil by truck because the corroded
9 pipeline it was using ruptured in 2015, spilling more than 123,000 gallons of crude
10 oil on the Gaviota Coast near Refugio State Beach, as discussed in paragraph 7 of
11 this declaration. The spill killed hundreds of seabirds and marine species; closed
12 beaches and fisheries; and impacted one of the most ecologically significant areas
13 on the California Coast, including four marine protected areas. Tar balls washed
14 onshore as far south as Manhattan Beach and Orange County, having long lasting
15 impacts on about 100 miles of coastline. The oil spill had significant negative
16 impacts on the interests of Wishtoyo's staff and members, negatively impacting
17 their ability to recreate on the shore and water; perform ceremony, practice
18 traditional ecological knowledge and traditional gathering, visit ancestral and
19 village sites like Qasil, and view wildlife and marine species. Further, the Plains
20 All American Pipeline oil spill prevented members of Wishtoyo from practicing
21 Chumash maritime cultural practices that are essential to member's lifeways. This
22 spill also precluded members from making tomol (traditional Chumash redwood-
23 plank canoe) journeys to ancestral and village sites up and down the coast. Risks
24 associated with ExxonMobil's proposed project could once again prevent these
25 essential cultural practices of Wishtoyo's staff and members.

26. ExxonMobil seeks to restart oil drilling at three offshore platforms off
27 the Santa Barbara coast, then truck the oil from its onshore Las Flores Canyon
28

1 processing facility along Highway 101 and Highway 166 to pump stations in
2 Santa Maria and the San Joaquin Valley—putting marine, coastal, terrestrial, and
3 freshwater species at risk along with public health and safety. Wishtoyo’s primary
4 mission is to protect natural cultural resources and Chumash lifeways, sensitive
5 species habitats, water quality, and public health. ExxonMobil’s claims in this
6 case significantly affect these interests and Wishtoyo’s mission. If granted
7 intervention, the Wishtoyo will represent its and its members’ interests in
8 protecting the natural cultural resources of the Santa Barbara Channel, and the
9 coastal and inland waterbodies of Santa Barbara County.

10. Wishtoyo has fought for the protection of freshwater, terrestrial, and
11 bird species that are threatened by ExxonMobil’s litigation. This includes
12 Southwestern willow flycatcher, Least Bell’s Vireo, and Southern California
13 steelhead, to name a few that could be affected. For example, Wishtoyo prevailed
14 in an Endangered Species Act case against United Water Conservation District for
15 their take of Southern Steelhead and preclusion of anadromous migration in the
16 Santa Clara River. Wishtoyo regularly advocates for the protection of endangered,
17 cultural keystone, and sensitive species and contributes to scientific research and
18 monitoring of these species’ populations and possible threats to these species.

19. ExxonMobil’s project in question is incredibly dangerous, as the route
20 along highways 101 and 166 are dangerous traffic corridors prone to vehicle
21 collisions and truck accidents. A significant percentage of the route runs in close
22 proximity to the Cuyama River, which provides habitat for more than 20
23 endangered and threatened species—including the California red-legged frog,
24 arroyo toad, California tiger salamander, least Bell’s vireo, southwestern willow
25 flycatcher, western yellow-billed cuckoo, and the proposed endangered foothill
26 yellow-legged frog to name a few. In 2020, an oil tanker traveling on Highway
27 166 careened off the road and crashed, spilling 4,500 gallons of crude oil into the
28

1 Cuyama River and harming or killing an untold number of fish and wildlife,
2 including at least two endangered California red-legged frogs that were found oiled
3 and dead.

4 12. Wishtoyo staff and members live near and regularly visit the areas
5 that would be harmed if ExxonMobil resumes oil and gas drilling. This includes
6 coastal areas like the Santa Barbara Channel, Limuw (Santa Cruz Island), Wima
7 (Santa Rosa Island), ancestral and village sites, and culturally important beaches
8 and tomol launching locations up and down the coast. Wishtoyo's staff and
9 members use these areas for tending and gathering, honoring their ancestors,
10 viewing wildlife, and recreation.

11 13. Wishtoyo staff and members regularly visit other areas along
12 ExxonMobil's planned trucking route, including Gaviota State Park, locations in
13 the Los Padres National Forest and Cuyama River watershed, and Carrizo Plain
14 National Monument. These places provide opportunities for hiking, wildlife
15 viewing, rare plant observation, ceremony, tending and gathering, hunting, and
16 scientific study—all of which would be affected by oil tanker traffic on Highways
17 101 and 166, and all of which could be seriously harmed if an oil tanker crashed
18 and caused an oil spill along this notoriously dangerous route.

19 14. Due to these interests and concerns, Wishtoyo staff and members have
20 been involved in fighting ExxonMobil's plan for years, reviewing project
21 documents, providing comments, and participating in and organizing meetings and
22 protests. Our long-standing, specific interests in this case will be represented if
23 Wishtoyo is granted intervention.

24
25 I declare under penalty of perjury that the foregoing is true and correct.

26
27 DATED August 30, 2022.



28 Mati Waiya